# Legal Name & Identification Requirements Questions & Answers

September 2013

# **Legal Name**

- **Q.** What does legal name mean?
- **A.** The "legal name" is the name listed on the photo identification (ID).
- Q. Can documents other than a photo ID be accepted as proof of legal name?
- **A.** No, documents such as a divorce decree, marriage license, or adoption decree are not acceptable. These documents "allow" a person to change a name. They do not require someone to change a name. Therefore, the name may never be changed.
- Q. What if the legal name of an applicant is too long for the RTS name field (Form 130-U, Box 14)?
- **A.** The county will need to type in the full last name, first name, suffix (Jr., Sr., III), and as much of the middle name that can be entered. The entire legal name should appear on the Form 130-U, continuing in the margin if necessary. The RTS name field has the ability to include all of the characters printed on a Texas driver's license.
- Q. What if a person wants to change their legal name?
- **A.** The ID needs to be changed in order to change the legal name.
- **Q.** In processing a Registration Purposes Only (RPO) transaction, if the out-of-state title information does not match the legal name on the ID, what name should be shown on the RPO application?
- **A.** Enter the name exactly as it is shown on the ID.
- **Q.** The current Title Manual includes guidance that advises the legal name on the application and signature of the owner does not have to match exactly. Is this true?
- **A.** Yes, the Title Manual does allow some flexibility of the signature involving the first and middle name. The manual provides the following examples: John Tom Doe may appear as J. T. Doe, John Doe, or J. Doe. However, there cannot be a discrepancy with the last name.
- **Q.** What if there is a discrepancy between an applicant's legal name and their loan documents?
- **A.** If the applicants are not using their legal name on the loan documents, the discrepancy is between them and their lienholders. Remember, the legal name must be shown on the title application.
- **Q.** In regard to legal name, what should we record when a customer does not have a middle name or simply has an initial as their legal middle name?
- **A.** Enter the name, exactly as shown on the ID presented. Some people do not have a middle name, so in such cases, it is fine to leave the middle name field blank. It is also perfectly acceptable to enter an initial if that is what is shown on the ID.



- **Q.** If a title currently lists an owner's nickname instead of their legal name and the owner refinances, will there be an additional charge to correct the name when adding a lien?
- **A.** No, the standard corrected title fee would apply.
- Q. Do Rights of Survivorship (ROS) name(s) have to be listed in their legal name(s)?
- A. No, although it is highly recommended.
- Q. Where is the statutory authority for requiring the legal name?
- A. Legal name authority is found in:

Transportation Code, Section 501.021:

- (a) A motor vehicle title issued by the department must include:
  - (1) the legal name and address of each purchaser and seller at the first sale or a subsequent sale; ....
- Q. What legislative bill was responsible for the legal name requirement?
- A. House Bill 2741, Sec. 41, 83rd Session, Regular

# **Valid ID Types**

- Q. Is a temporary paper copy of a driver license acceptable for initial title and registration?
- **A.** Yes, if it contains a photo, unique identification number, expiration date, and is issued by a state or territory of the United States.
- **Q.** Is a foreign driver license, for example a Mexican driver license, an acceptable form of ID? What about a Consular card?
- **A.** No. Neither of these documents is an acceptable form of ID. As for driver licenses and identification cards, only those issued by one of the 50 United States, or territories, are acceptable. However, a foreign passport is acceptable.
- Q. What are the ID requirements for a minor?
- **A.** If a minor has not been issued a driver license, the minor may obtain a state-issued personal identification certificate (ID card) or a passport as an acceptable ID.
- **Q.** Is a Visa required when a passport is used as identification?
- **A.** No, a Visa is not required when a passport is used as identification.
- Q. Can expired IDs be accepted?
- **A.** Yes, as long as it is not more than 12 months expired.



# **ID Requirements**

- Q. Where are the Transportation Code and Administrative Rule references regarding ID?
- **A.** Transportation Code: Sec. 501.023, Application for Title; Sec. 502.040, Registration Required; General Rule, and Sec. 502.043, Application for Registration.
  - 43 Texas Administrative Code, Sec. 217.3 and 217.22
- **Q.** If a customer claims an error was made on their ID and a discrepancy exists between the title application and ID information, may we take a one and the same affidavit?
- A. No, if the ID has an error, the person must correct the error on the ID prior to application for title.
- Q. Does the dealer have to verify that the address is current on the ID?
- A. No, the current address should be the address used on the title application.
- Q. Can someone present a copy of the ID, letter of authorization, or business card?
- **A.** Yes, however, the business card must be a preprinted business card (not handwritten).
- Q. When should title applications be rejected for not including the ID type, number, and jurisdiction?
- A. The counties should reject transactions without the ID number and type after October 31, 2013.
- Q. Should a dealer supply a copy of the applicant's ID with a transaction?
- **A.** No, a dealer should provide the ID number, type, and jurisdiction in the gray box or the margin in the upper right hand margin of the current printed Form 130-U. The dealer will keep a copy of the applicant's ID in the deal jacket. The dealer may also download and use the new Form 130-U.
- **Q.** Should a copy of the ID be retained with county transactions?
- **A.** No, the ID must be presented and entered in RTS, but there is no need to keep a copy of the ID. If a copy is submitted with the title application, then the county may either return it or shred it. The ID information will be redacted in accordance with applicable law when a title history is requested.
- Q. In the instance of a gifted vehicle, is an owner ID still required?
- **A.** Yes, the ID of the owner is required when filing a title application.
- **Q.** My name has changed through a recent marriage, but my ID still reflects my maiden name. Can I use my existing ID to title in my married name?
- **A.** It would be necessary to update your driver license to match your married name if that is how the vehicle is to be titled.
- Q. What if the legal name on the photo ID does not match the name on the social security card?
- **A.** A social security card is not an acceptable form of photo ID, so there is no conflict between the two.
- Q. Is a copy of a title runner's ID required?
- **A.** No, title runners are not required to provide a copy of their ID.



- Q. I have heard that it is illegal to copy a military ID. Can we copy military IDs?
- **A.** It is acceptable to copy military IDs for government purposes.
- **Q.** Is an ID required in a transaction where there is no change of ownership?
- **A.** No, IDs are not required if there is no change in ownership. Furthermore, an ID is not required for registration renewal.
- Q. What about non-titled vehicles, do the ID requirements apply?
- **A.** For a non-titled vehicle, such as a trailer, there is not an ID requirement.
- Q. What are the ID requirements for a Registration Purposes Only (RPO) transaction?
- **A.** An ID is required to process an RPO transaction.
- Q. For an export only vehicle, what are the ID requirements?
- **A.** A vehicle marked export only is not allowed to be retitled in Texas.
- **Q.** The Texas ID personal identification certificate (ID card) for a person over 60 does not contain an expiration date. Is it acceptable?
- A. Yes, as long as the ID card is issued by a state or territory of the United States.

### Form 130-U

- Q. On the new Form 130-U, box 6 is blank. What should I put in this field?
- A. This field is reserved for future use and should be left blank at this time.
- **Q.** I noticed that the Rights of Survivorship (ROS) box is missing from the new Form 130-U, where did it go?
- **A.** Rights of Survivorship name(s) are now recorded on Form VTR-122, *Rights of Survivorship Ownership Agreement for a Motor Vehicle*.
- Q. How should the applicant's legal name appear on the Form 130-U?
- A. The applicant's legal name should appear exactly as it does on their acceptable photo ID.
- Q. How can the applicant correct an obvious error on the Form 130-U?
- **A.** The applicant can correct an obvious error by drawing a line through the error. The use of white-out or liquid paper on title transfer documents is not allowed. The department may accept the transaction provided there is no other reason for rejection.



- **Q.** Where do I record the ID since the current Form 130-U does not have a box for ID type and number?
- **A.** The new Form 130-U (revision 8/2013) can be downloaded from our website. Shipment of the printed Form 130-U began on September 26, 2013. If using the previous Form 130-U, write the ID number and type (including state or country of issuance) in the gray box or the margin in the upper right margin.
- Q. For a name correction, is white-out acceptable on the Form 130-U?
- **A.** No, a single line should be made through the error and the correct information written above. White-out is not acceptable on a Form 130-U or a Texas Certificate of Title.

# **Businesses & Organizations ID Requirements**

- **Q.** If a company is submitting a batch of title applications all signed by the same company employee, can only one letter of authorization/preprinted business card and ID be submitted with the batch?
- A. Yes.
- **Q.** What type of ID and verification is necessary for employees that act as agents for companies/entities?
- **A.** Employees authorized to title a vehicle in the name of a leasing company, government entity, organization, or private business must provide ID as well as a letter of authorization on the employer's letterhead, or a preprinted business card with the employer and employee's name. However, if the lessee is listed as the Registrant, then a copy of the ID of the lessee may be used and the lessee's type and ID number entered into Form 130-U, Box 14a.
- Q. Is an ID required when a vehicle is to be titled in the name of a leasing company?
- **A.** Yes, ID is required for a title resulting in a change of ownership. The ID may be that of the lessee if the lessee is the Registrant or the ID of the person signing for the leasing company. If the lessee is the Registrant, then the leasing company also has the option of providing the ID of the person signing for the leasing company.
- **Q.** In addition to providing an ID when acting as an agent of a business or leasing company, do I need a letter of authorization on letterhead and a preprinted business card?
- **A.** Either a letter of authorization on letterhead or a preprinted business card is required, but not both.
- **Q.** What is required in a letter of authorization?
- **A.** It must include the date, company name, address, phone number, and the printed name and signature of the person granting authorization. In addition, it must specify, by name, the person being granted authorization to sign on behalf of the company, organization, or government entity.
- Q. Does the name on the letter of authorization have to match the agent's ID exactly?
- **A.** No, the letter of authorization or preprinted company business card does not have to match the exact name on the ID.



- **Q.** Is any additional proof required when a vehicle is being titled in the name of a ranch/farm/small business/non-profit and there isn't a letterhead or preprinted business card?
- **A.** Yes, proof must be presented if the vehicle is to be titled in the name of ranch/farm/small business/non-profit and the applicant does not have authorization on a company letterhead or a preprinted business card. Examples of proof may include a Secretary of State filing or an IRS document.
- Q. For a business entity, can we use the FEIN number as a form of identification?
- **A.** No, this is not an acceptable form of ID.

# **Power of Attorney**

- **Q.** How do the new ID requirements affect transactions that include a Power of Attorney (POA)?
- **A.** The procedure for applying for a title on behalf of another person or company using a Power of Attorney (POA) has not changed. The ID of the person signing as a POA is necessary, along with the identification of the title applicant, and a letter of authorization on company letterhead or a preprinted business card.
- Q. Does the POA ID have to conform to the title/initial registration requirements?
- A. No, it has to be a photo ID that links the person to the individual or entity named as POA.
- Q. When the agents sign using a POA for two owners, does the agent sign twice?
- A. No, the agent can sign once, but must list each owner.
- **Q.** As a title clerk at a dealership, I'm uncomfortable that my personal information is sent in with transactions involving a POA. Can I blackout my address information and birthdate?
- A. Yes, this is acceptable.

#### **Trusts**

- Q. What are the ID requirements when a trust applies for title/initial registration?
- **A.** An acceptable ID of the trustee must be presented.
- **Q.** If a vehicle is being titled in the name of a trust, is it necessary to see an ID from all members of the trust?
- **A.** No, it is only necessary to see the ID of the trustee who is signing the title application.



# **Multiple Owners**

- **Q.** There are two people listed on the title application. Should I record the legal name of both and do I need to see both IDs?
- A. Both parties should list their legal name on the Form 130-U, but only one ID is required.
- Q. What is the procedure for collecting IDs when there is more than one owner/applicant?
- **A.** Only one ID is required if there is more than one applicant.